



New Trial Technology Changes the Courtroom

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GREAT ADVANCES IN COMPUTER HARDWARE and software technologies, including mobile computing, have now made it possible for lawyers to present their cases to judges and juries alike with entertaining clarity and persuasiveness. The time-consuming and distracting process of presenting evidence by holding up pictures on easels, passing documents to the judge or to the jurors, is slowly giving way to a new, faster and clearer way of find-

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ing the facts and implementing justice. The technology will enable lawyers to be more efficient and probably more successful in presenting their clients' cases.

A sophisticated trial attorney nowadays must be familiar with “trial presentation” software. Whether the case is small or complex, documents, images, video, customized animations and even digital movie clips can be contained in a small notebook computer and used to effectively demonstrate evidence. This is achieved through a software program that allows the user to collect the data to be used, present it, annotate it, display it and manipulate it in any number of ways.

For example, the critical language of a contract can be displayed on a projection screen in the courtroom using a notebook computer connected to a projector. Once displayed, the language can be magnified, annotated, circled, and positioned next to, above, or below other exhibits. This is surely more effective than handing out copies of the contract document with its fine print for the fact finder to read or a “blown up” foam-board exhibit which not everyone may see and that once marked or annotated, cannot be erased or juxtaposed against other exhibits.

Pictures can also be shown in vibrant colors and can be annotated as well. Animations and digital movie clips with

sound can also be presented and displayed in many configurations. The most fascinating aspect of this technology is that these presentation modes can be combined with each other in a choreographed display of lawyer-guided wizardry.

Video testimony can be synchronized with the text of a deposition and displayed on the large screen, scrolling in harmonious synchronization with the witness' testimony. Digital controls allow the user to stop, rewind or fast-forward the clip, as in a DVD or VHS player.

Trial presentation software also allows the user to use “bar codes” which are then scanned with a pen tool to instruct the computer to show a particular exhibit or retrieve a picture, document or video clip. Just like the bar scanner in supermarkets, the bar scanner allows for the retrieval and display of data very quickly and efficiently.

The technology may shorten the time it takes to try a case, especially cases involving voluminous documents. This means cost savings for the client in minimizing attorney time in the courtroom. Quicker and more efficient presentation may also lead to quicker and more accurate results.

The software is easy to learn and relatively inexpensive (\$700 for one license, for example). Once mastered and implemented, it repays itself many times over when successful results are obtained. The goal of the trial lawyer is to win. Through the use of presentation software, the trial lawyer ensures that the fact-finder understands and retains in his mind the documents and testimony presented.

These days, as technology impresses us in every aspect of our lives, judges and jurors will likely be very accommodating in allowing and watching these fascinating tools for an entertaining and informative display of evidence. One wonders how this technology possibly could have changed the course of legal history had it been available, for example, in the Scopes trial on the theory of evolution or Galileo's heresy trial in Rome in 1633. The true breakthrough to celebrate in our field is that technology has made the discovery of the “truth”—the goal of our system of justice—arguably easier, if not less boring. ■

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